

## REMARKS

Claims 26-43 remain in the application.

The Examiner has objected to and requested an updated listing of inventors to the preamble paragraph of page 1. In addition, claims 26-31 and 34 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 6 of U.S. Patent No. 6712084. Claim 32 has been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 7 of U.S. Patent No. 6712084. Claim 33 has been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 8 of U.S. Patent No. 6712084. Claims 35, 36, 40 and 43 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 19 of U.S. Patent No. 6712084. Claims 37 and 38 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over a combination of claims 14 and 19 of U.S. Patent No. 6712084. Claim 39 has been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over a combination of claims 15 and 19 of U.S. Patent No. 6712084. Claim 41 has been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over a combination of claims 20 and 19 of U.S. Patent No. 6712084. Claim 42 has been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over a combination of claims 21 and 19 of U.S. Patent No. 6712084. This objection and rejections are traversed, and reconsideration is respectfully requested in view of foregoing amendments and following remarks.

The preamble paragraph 1 has been amended to include the two additional inventors, Messrs. Smith and Clark. Accordingly, the objection is believed to be overcome.


Also submitted with this amendment is a terminal disclaimer, entitled: "Terminal Disclaimer to Obviate a Double Patenting Rejection over a Prior Patent." This terminal disclaimer is believed to overcome the outstanding rejections of the claims.

In summary therefore, all of the remaining claims, claims 26-43, are believed to be allowable. An early and favorable action thereon is therefore earnestly solicited. If there are any outstanding issues, the Examiner is encouraged to contact the undersigned.

In connection with the foregoing matter, please charge any additional fees which may due, or credit any overpayment, to Deposit Account Number 50-1133.

Respectfully submitted,  
McDERMOTT, WILL & EMERY


Date 3.17.05

  
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**CERTIFICATE OF MAILING (37 C.F.R. 1.8(a))**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Fee Amendment, Commissioner For Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

Date: March 17, 2005

By:   
Cynthia Joseph